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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

JONATHAN AGUILAR, et al.
Defendants.

No.: CR 18-0119 RS

STIPULATION AND ORDER
CONTINUING MOTION HEARING AND
ADJUSTING BRIEFING SCHEDULE

IT IS HEREBY STIPULATED that,

For the reasons set forth below, the parties request (1) a continuance of the next hearing date, at which Round 2 motions and a status conference are to be heard, from May 25, 2021 to August 10, 2021; (2) a corresponding continuance of the briefing schedule for Round 2 motions; and (3) an exclusion of time under the Speedy Trial Act from May 25, 2021 (through which Speedy Trial Act exclusions have already been ordered) through August 10, 2021.

On March 9, 2020, and April 17, 2020, various defendants filed motions for discovery related to the Round 1 motions schedule. (Dkt. 251-253, 264-267). On May 22, 2020, the government filed

1 responses to those motions. (Dkt. 280, 281). Various defendants have since filed replies and joinders to
2 those responses. (Dkt. 285-288). These motions are fully briefed and have previously been set for
3 hearing before the Honorable Joseph C. Spero on several prior dates (Dkt. 276, 309, 325). The parties
4 have previously requested continuances of this hearing date due to the defendants' desire to participate
5 in the hearing, which remains impossible due to the global pandemic. The Honorable Chief Magistrate
6 Joseph Spero has ordered those continuances. (Dkt. 309, 325). A hearing on Round 1 motions is
7 currently set for March 4, 2021, but the parties are filing, concurrently with this stipulation, a stipulation
8 and proposed order requesting that the Honorable Judge Spero continue that hearing to May 20, 2021.

9 The parties now request that this Court continue the Round 2 motions schedule by approximately
10 the same period of time (two months) by which the Round 1 motions have been continued. The parties
11 are currently scheduled to brief Round 2 motions in April and May 2021. The parties also seek a
12 corresponding Speedy Trial Act exclusion through August 10, 2021. The grounds for the requested
13 continuance and exclusion are as follows:

14 The COVID-19 pandemic has prevented, and continues to prevent, defendants from appearing in
15 person at court proceedings, and, due to the number of defendants, has also prevented them from
16 appearing by videoconferencing at group hearings. The defendants wish to personally participate in
17 these substantive motion hearings. It is the parties' hope that, with additional time, the defendants will
18 be able to participate in the hearings either because Santa Rita Jail becomes able to accommodate
19 multiple defendants on a teleconference or because of Covid-19 vaccinations or a combination thereof.

20 The ongoing pandemic also continues to affect the government's efforts to gather and produce
21 discovery. Since the parties' prior stipulation regarding a continuance (Dkt. 327), the parties have
22 continued to regularly meet and confer informally by telephone and/or letter regarding discovery issues
23 in an ongoing effort to resolve issues without the Court's intervention. The government continues to
24 gather and produce discovery previously requested by defense counsel. For example, on December 23,
25 2020, the government produced approximately 800 pages of discovery materials responsive to previous
26 defense requests.

27 The government anticipates continuing to produce responsive discovery on a rolling basis. The
28 government's next discovery production will be at least several hundred additional pages. The

government intends to complete production of undisputed remaining discovery requested by the defense, before the May 20, 2021 hearing regarding the discovery motions. As it previously stated, the government hopes that completing discovery in this time period will allow for more expeditious motion practice and trial setting, such that the lengthy delay requested here may be offset later and the delay in time to trial (or trials) minimized.

Based on the above, the parties request that the Court continue the Round 2 motion briefing schedule as follows:

Defense Filing Date: June 29, 2021

Government Oppositions: July 27, 2021

Defense Replies: August 3, 2021

Motion Hearing Date: August 10, 2021 at 10:00 a.m.

The parties also agree that, in light of the above, the ends of justice served by granting a continuance through and including August 10, 2021, outweigh the best interest of the public and the defendants in a speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A). The parties also agree that this case is so complex, due to the number of defendants and the nature of the prosecution, that it is unreasonable to expect adequate preparation for pretrial proceedings and for the trial itself within the otherwise-applicable time limits, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii).

The parties further agree that failure to grant the continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

SO STIPULATED.

Dated: February 12, 2021

DAVID L. ANDERSON
United States Attorney

By: /s/

ANDREW M. SCOBLE
RAVI T. NARAYAN
RICHARD EWENSTEIN
Assistant United States Attorneys

1 Dated: February 12, 2021

/s/
MARTHA BOERSCH
Counsel for Jonathan Aguilar

3 Dated: February 12, 2021

/s/
JULIA MEZHINSKY JAYNE
Counsel for Juan Carlos Gallardo

5 Dated: February 12, 2021

/s/
HARRIS BRUCE TABACK
Counsel for Orlando Carlos Hernandez

7 Dated: February 12, 2021

/s/
MARK GOLDROSEN
PAM HERZIG
DONALD KNIGHT
AMY P. KNIGHT
Counsel for Michael Rebolledo

11 Dated: February 12, 2021

/s/
GEORGE C. BOISSEAU
Counsel for Mario Reyes

13 Dated: February 12, 2021

/s/
SHAFFY MOEEL
JAMES S. THOMSON
Counsel for Eddy Urbina

16 Dated: February 12, 2021

/s/
ETHAN A. BALOGH
Counsel for Weston Venegas

ORDER

THE COURT ORDERS THAT the previous briefing schedule for the second round of motions is continued as follows:

Defense Filing Date: June 29, 2021

Government Oppositions: July 27, 2021

Defense Replies: August 3, 2021

Motion Hearing Date: August 10, 2021 at 10:00 a.m.

THE COURT ORDERS THAT a status hearing is also set for August 10, 2021, at 10:00 a.m.

THE COURT FINDS THAT the ends of justice served by granting a continuance from May 25, 2021, through and including August 10, 2021, outweigh the best interest of the public and the defendants in a speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).


THE COURT FURTHER FINDS THAT this case is so complex, due to the number of defendants and the nature of the prosecution, that it is unreasonable to expect adequate preparation for pretrial proceedings and for the trial itself within the otherwise-applicable time limits, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii).

THE COURT FURTHER FINDS THAT, to allow time for the parties to address ongoing discovery issues which, in turn, will affect pretrial motions, failure to grant the continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

Accordingly, THE COURT ORDERS THAT, the period from May 25, 2021 through and including August 10, 2021 (the date of the next hearing in this case) is excluded from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (B)(iv).

IT IS SO ORDERED.

DATED: February 16, 2021


HON. RICHARD SEEBORG
CHIEF UNITED STATES DISTRICT
JUDGE